UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

TODD SEMON, on behalf of himself, and all others similarly situated, Plaintiff,	Civil Action No. 5:10-cv-00143-cr
v.	
ROCK OF AGES CORPORATION, SWENSON GRANITE COMPANY, LLC, KURT M. SWENSON, JAMES L. FOX, RICHARD C. KIMBALL, DONALD LABONTE, LAURA A. PLUDE, PAMELA G. SHEIFFER, CHARLES M. WAITE, and FREDERICK E. WEBSTER, JR., Defendants.	

STIPULATION AND REQUEST TO CANCEL JANUARY 31, 2011 HEARING

WHEREAS, a hearing is currently scheduled to occur on January 31, 2011 in this action so that the Court may hear oral argument on the following outstanding motions: (i) the motion of Plaintiff Todd Semon ("Semon") to amend his complaint (the "Motion to Amend") (Docket No. 53); (ii) the motion of defendants James L. Fox, Pamela G. Sheiffer and Frederick E. Webster, Jr. (the "Committee Defendants") to consolidate cases and stay proceedings pending consolidation (Docket No. 54); (iii) Semon's motion for expedited discovery (Docket No. 55); (iv) Semon's cross-motion to be appointed lead plaintiff and for his counsel to be appointed lead plaintiff counsel (Docket No. 58); (v) the Committee Defendants' motion for the disclosure of certain communications referenced in the lead plaintiff motions (Docket No. 80); (vi) the Committee Defendants' motion to file a sur-reply in further opposition to Semon's motion for expedited discovery (Docket No. 86); and (vii) Semon's motion for an expedited hearing on pending motions (Docket No. 87) (collectively, the "Outstanding Motions").

WHEREAS, during a hearing on January 14, 2011, the Court asked the parties to confer and to report back to the Court as to whether the January 31, 2011 hearing should go forward, or is unnecessary in light of recent events that may have mooted some or all of the Outstanding Motions.

WHEREAS, the parties have conferred, and agree that each of the Outstanding Motions, except for Semon's Motion to Amend, is now moot.

WHEREAS, the parties respectfully suggest that the January 31, 2011 hearing is unnecessary, and request that the Court cancel that hearing.

ACCORDINGLY, in the interest of efficiency,

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties, that,

1. Each Outstanding Motion is withdrawn, except that Semon's Motion to Amend (Docket No. 53) is not withdrawn.

Dated: January 20, 2011
Burlington, Vermont

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been filed electronically and is available for viewing and downloading from the ECF system. I further certify that the following counsel of record will be served by the ECF system:

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